

## REMARKS

Reconsideration of this Application is respectfully requested. Applicant wishes to thank the Examiner for identifying the subject matter of claims 4 and 5 as allowable. Claims 4 and 5 are amended, accordingly, and placed in independent form, claim 4 to include all of the elements of base claim 1, and claim 4 to include the elements of base claim 1 as well as those of intervening claim 4.

Initially, the Examiner took the position that the title of the invention is not descriptive, requiring a new title that is clearly indicative of the invention to which the claims are directed. He suggested that Applicant adopt the following new title: Polymeric Anti-Dazzle Raster For Tubular Light Sources.

The Examiner then objected to the Abstract Of The Disclosure on grounds that it repeats information given in the title. Also, the Examiner reminded Applicant of the proper language and format for the Abstract, for example, that the form and legal phraseology used in patent claims, such as "means" and "said", should be avoided. Correction is required by the Examiner, the Examiner citing MPEP § 608.01(b).

\* \* \* \* \*

In accordance with the Examiner's suggestion, Applicant has amended the title of the invention to read - - Polymeric Anti-Dazzle Raster For Tubular Light Sources - -. In addition, the Abstract Of The Disclosure is amended to delete reference to "means" and "said", to better comport with U.S. practice, and, in so doing, to better define the invention without limiting effect.

\* \* \* \* \*

In addition, the Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(4)

on grounds that reference character “3d” has been used to designate both “outside faces” (paragraph 0014, line 6) and “side faces” (paragraph 0014, line 8). Furthermore, the Examiner states that the reference character “2” is used to designate “modular element” (paragraph 0013, line 5) and “modules” (paragraph 0015, line 6), and reference character “3” is used to indicate “parallel transverse partitions” (paragraph 0013, lines 5 and 6) and “terminal partition” (paragraph 0016, line 4). The Examiner notes that corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d) are required in response to the Office Action in order to avoid abandonment of the Application.

\* \* \* \* \*

The Specification is amended, accordingly, to designate “modules” using the reference number - - 2a - -, to designate the “terminal partitions” with reference number - - 3e - -, and “side faces” as - - outside faces - -. For clarity, “terminal modules” of the raster are designed using reference number - - 2b - -. New drawing sheets reflecting these changes are provided in the Appendix.

Withdrawal of the Examiner’s objections is believed appropriate.

\* \* \* \* \*

Next, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Fishman, U.S. Patent No. 6,402,345. More particularly, according to the Examiner, Fishman discloses a louver assembly having a plurality of side pieces (claim 1) at Figure 1, item 14; the side pieces being made of a generally rigid material (claim 1) and considered inherent; a plurality of transverse partitions (claim 1) at Figure 1, reference numbers 26 and 28; the partitions extending between the side pieces (claim 1) in Figure 1; the partitions being grouped in modular

units (claim 1) in Figure 1; each unit having a selected number of partitions (claim 1) which is considered to be inherent; a connection bar (claim 1) at Figure 1, item 30; the selected number of partitions being connected to one another by the connection bar (claim 1) at column 2, lines 58-61; the unit being joined by snap-fit engagement to the side pieces (claim 1) at column 3, lines 3-10; the partitions being made of a polymeric material (claim 1) at column 3, lines 52-55; the partitions including teeth (claim 3) at Figure 3, items 70 and 72; the teeth extending from the partitions in a generally lateral direction (claim 3) in Figure 3; the side pieces including seatings (claim 2) in column 3, lines 8-10; and the lateral direction being suitable for snap-fit engagement with corresponding seatings (claim 3) as allegedly evidenced at column 3, lines 3-10.

The Examiner acknowledges, however, that Fishman fails to disclose the partitions being injection molded (claim 1), or a plurality of relatively parallel connection bars (claim 1).

He then concludes that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to injection mold the polymeric partitions of Fishman since, the Examiner argues, such limitation refers only to the method of making the claimed partitions, failing to further limit the structure of such partitions. The Examiner comments that it appears that the claimed invention would perform equally well with the patented partition of Fishman, since Applicant has purportedly not disclosed that injection-molded partitions solves any unexpected problem or is for any particular reason. In addition, the Examiner takes Official Notice that injection molding, as a manufacturing process for polymeric elements, is old and well known in the art.

Regarding having a plurality of relatively parallel connection bars instead of the

single connection bar disclosed by Fishman, the Examiner finds that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include more than just one connection bar, since, he notes, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art, citing *St. Regis Paper Co. V. Bernis Co.*, 193 U.S.P.Q. 8. With respect to Applicant's invention, the Examiner takes the position that Fishman discloses a louver structure for a lamp 10 having two fluorescent tubes. The Examiner also asserts that adapting the invention of Fishman for use in illumination devices having 3 or more fluorescent tubes would have required more than one central reflector 30 (as purportedly evidenced in column 3, lines 13-26), such allegedly necessary modifications occurring naturally to one of ordinary skill in the art.

\* \* \* \* \*

Last, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Fishman in view of Morgan, U.S. Patent No. 6,443,598. First, the Examiner admits that Fishman omits to disclose or suggest partitions having a substantially V-shaped section and a plurality of relatively symmetrical shoulders extending from an upper edge, the connecting bars being affixed to the outside faces of such shoulders (claim 2), while taking the position that Fishman discloses or suggests all of the other limitations of Applicant's claims.

The Examiner then looks to Morgan which, he asserts, discloses a louver assembly having: (i) a plurality of side pieces (claim 1) at Figure 2, item 6; (ii) the side pieces being made of a generally rigid material (claim 1) which the Examiner considers inherent; (iii) a plurality of transverse partitions (claim 1) at Figure 1, item 10; (iv) the

partitions extending between the side pieces (claim 1) at Figure 2; (v) the partitions being grouped in modular units (claim 1) at Figure 1; (vi) each unit having a selected number of partitions (claim 1) also considered to be inherent; (vii) the partitions being joined by snap-fit engagement to the side pieces (claim 1) as allegedly indicated at Figure 2; (viii) the partitions being injection molded of a polymeric material (claim 1) at column 4, lines 14-18; (ix) the partitions having a substantially V-shaped section (claim 2) at Figure 1; and (x) the partitions including a plurality of relatively symmetrical shoulders extending from an upper edge (claim 2) as purportedly seen in Figure 3.

Accordingly, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the partitions of Morgan in the structure of Fishman to increase the illumination efficiency of the lamp structure while removing unwanted glare, per the teachings of Morgan (the Examiner citing to column 1, lines 11-15).

\* \* \* \* \*

Applicant, however, respectfully disagrees with the Examiner's reading and application of the cited references to the present invention.

First, Applicant's invention is directed to an anti-dazzle raster formed of a pair of metallic side pieces 1, e.g., aluminum, and a polymeric modular element 2, e.g., polycarbonate. In one embodiment, each modular element comprises a plurality of parallel transverse partitions or baffles 3 joined to one another by two longitudinal bars 4. Connectors 6, 7 then join one or more modular elements arranged in series to the aluminum side pieces.

The result is an anti-dazzle raster having the same aesthetic appearance as a

conventional anti-dazzle raster made entirely of aluminum, but at a much lower cost. In addition, the aesthetic appearance achieved is far superior to that of conventional rasters made completely of plastic. In this connection, Applicant respectfully directs the Examiner to the Background Of The Invention (See Specification, page 1, line 24 - page 2, line 1).

\* \* \* \* \*

Second, each of Applicant's *modular elements* has a plurality of baffles and a pair of connecting bars *formed in a single piece that is made entirely of a polymeric material, each piece being formed by injection molding*, such single piece to be joined to side pieces of aluminum to form a bi-material raster.

This is contrary to Fishman which (i) teaches a raster with end baffles made of a translucent material, i.e., plastic or glass, in order to achieve desired translucence and, thereby, improve photometric performance of the lighting fixture on which the raster is mounted, and (ii) requires that such baffles be mounted one by one on the central bar and the side bar (col. 3, lines 1-12).

We respectfully submit that Fishman neither discloses nor does he suggest a raster made of two distinct and different materials (aluminum for the side pieces and plastic for the modular element enclosed within the side pieces).

\* \* \* \* \*

Notwithstanding the foregoing, the Examiner indicates that claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

He then provided the following reasons for his indication of allowable subject matter: Applicant teaches a louver assembly including a plurality of injection molded partitions, such partitions being snap-fitted to and extending between a plurality of side pieces. The partitions are grouped into modular units, such units including a selected number of partitions connected to one another by a plurality of relatively parallel connecting bars. The bars project beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions.

The Examiner continued that no prior art was found teaching individually, or suggesting in combination, all of the features of Applicant's invention, specifically bars projecting beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions, in combination with the claimed structure.

\* \* \* \* \*

Accordingly, claims 4 and 5 have been amended and placed in independent form, each to include all of the elements of base claim 1, and claim 5 to also include the elements of intervening claim 14.

Thus, withdrawal of the Examiner's objection to claims 4 and 5 is respectfully requested.

\* \* \* \* \*

Applicant respectfully submits that none of the cited references, whether taken alone or in combination, disclose or suggest Applicant's invention, as claimed.

Withdrawal of the Examiner's rejections under § 103(a) is, therefore, respectfully requested.

In so doing, Applicant has made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicant's counsel at (646) 265-1468.


Respectfully submitted,

Dated: July 18, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 18, 2005

Name Grant E. Pollack

  
Signature



Grant E. Pollack, Esq.

Registration No. 34,097

POLLACK, P.C.

The Chrysler Building

132 East 43<sup>rd</sup> Street, Suite 760

New York, New York 10017

(646) 265-1468

Attorney for Applicant